PSYCHIATRIC COMPETENCY REPORT OF DR. SALLY C. JOHNSON

Sept. 11, 1998

1 | 3

Mr. Kaczynski denied any current suicidal ideation. He talked openly about his previous suicidal ideation and attempt on Wednesday. He admitted that he had felt desperate and could not perceive a suitable option. He chose to attempt to die instead of proceed with the trial process. He indicated that the experience in the attempt, in and of itself, had dissuaded him from further attempts utilizing that method and he does not anticipate having access to medication or sharp instruments with which to try suicide by an alternate means. He does admit that if he becomes suicidal again, he would not be likely to discuss this with anyone, and indicated that he did not believe that his efforts were stemming from depression. He was able to entertain the idea that if he were to develop suicidal ideation as the result of significant mood problems, he would be more willing to seek help or intervention. Mr. Kaczynski denied any current homicidal ideation, although he admitted to having significant anger towards a number of people.

Evaluation of his affect showed little variation from what would be expected in this type of evaluation setting. He showed some anxiety but denied depression now or in recent weeks. He did admit to moderate feelings of depression early in his period of detention and discussed several periods of depression throughout his life. He indicated that he believes in the period between 1978 and 1979 he was experiencing some degree of depression, accompanied by insomnia. He attributed this to a stressful life situation including a difficult situation he described on his job. He indicated that he had started a relationship with a female manager at the foam cutting plant where he was working with his brother and father. After three dates that relationship had failed. (REDACTED). He remembers contemplating suicide by hanging at that time, and then describes that he became full of rage and instead decided to take a knife and mutilate the woman. He proceeded to the parking lot at the work site and got into her car. At that time he changed his mind and again felt very sad. A second period of depression, that he relates was of longer duration, lasting from 1988 to 1994. Again he had intermittent trouble sleeping and felt that during that time he was under a great degree of stress. He denied any period of depression since that point in time. As noted above, Mr. Kaczynski did seek medical evaluation of insomnia which he believes was

related to depression, on one occasion in 1993, and was prescribed Trazadone, but did not continue that prescription. He described his mood since the year prior to his arrest as consistently being about six on a scale of one to 10. He denied any periods of elevated mood and demonstrated none throughout the evaluation period.

Intelligence, as assessed within the interviews, appeared to be above average. Memory was excellent for immediate, short term, and long term recall for factual information. Concentration within the interviews was good. Mathematical ability to add, subtract, and multiply showed no evidence of problems. Mr. Kaczynski denied ever experiencing any type of hallucinatory phenomena. He was asked about auditory, visual, gustatory, olfactory, and tactile hallucinations, and persistently denied experiencing them now or in the past. In response to routine review of similarities and proverbs, he showed an ability for abstract thinking. Thought processes showed no evidence of looseness of association. Some tangential thinking was intermittently evident throughout the interviews. As noted, he had a need to provide excessive detail in an organized fashion. There was no clear evidence of thought blocking within the interviews. Despite pauses in his ability to respond to questions, he did not show loss of his train of thought.

Mr. Kaczynski did return repeatedly to the theme that he had been severely abused during childhood. On exploration of this issue, he described the abuse to be severe verbal psychological abuse. His perception seemed to be inconsistent with the data he provided to support his point of view, in that he over valued the negative impact of very minor statements and rather routine behaviors. He also demonstrated some suspiciousness and paranoia in the interviews, in that he continued to anticipate that the interviewer had a hidden motive or meaning to a question, and during each session would both verbally and in writing ask for additional detail and present additional arguments of positions or opinions that he had espoused during a prior session.

Mr. Kaczynski presented a clearly organized belief system that he was being harassed and harmed by modern technology. He stated that he believed that the system as it exists is bad and rebellion against it is justified. He further stated that freedom and personal dignity have greater importance than comfort and security. This belief system was explored at length with Mr. Kaczynski and it was evident that it had developed in his early 20s, during a period of time when he was feeling particularly isolated. This appear to stem from his acceptance of a variety of ideas that he had culled from reading books such as the "Technological Society" referenced above. It is interesting that he had not only latched onto the ideas that were presented, but had expanded them to the extreme and accepted the suggestions and premises, many of which were only opinions stated by the authors, as if they were fact. He has subsequently devoted his activities and time in rebellion against a future as he accepted it would be. In essence, the ideas that he collected and wrote about in the early 1970s remain the basis for his current belief system. He feels compelled to live a life of extreme isolation and to focus his energy against the aspects of society that are attempting to control the masses. This includes a focus on advertising, genetic engineering, computer technology, business, certain aspects of education, chemical companies, etc. He expresses

philosophical and personal concerns about these issues and feels personally threatened by the potential advances in these areas. Included in this is his inability to critically read newspapers, magazines, and books to determine if statements carry any actual merit. He tends to collect pieces of literature, opinions, and comments that support his views and use them as justification for continuation of his ideas. Mr. Kaczynski has intertwined his two belief systems, that society is bad and he should rebel against it, and his intense anger at his family for his perceived injustices. He talks openly about his ability to direct his anger from one set of ideas to the other quite fluidly.

Upon extended interview, it was evident that Mr. Kaczynski is extremely sensitive to even minor criticism and tends to perceive this, or even an absence of encouragement or positive response from an individual, as a deliberate attempt at humiliation or harassment. He also tends to seek support and interaction in ineffective ways and will frequently write an individual believing that an innocuous question will provide a hint of the type of response that he is looking for from the person receiving his correspondence. Evident also is his inability to identify common social cues in the environment. Historically, this appears to have been a problem even before solidification of his ideas in the late 196Os and early 1970s. There is evidence of ideas of reference in review of Mr. Kaczynski's history over an extended period of time. Incidents within the environment involving noise or human activity are perceived by him as personally directed and he responds with extreme rage and a wish for revenge. As outlined in the body of this report, historically during certain time periods he has described examples of what appear to be ideas of reference in his belief that individuals who are talking at some distance from him, have him as a topic of their conversation and are speaking negatively about him, and are impacting in a destructive or hostile way on his well being.

Despite Mr. Kaczynski's ability for abstract reasoning in response to proverbs and similarities, he tends to concretely interpret the statements of individuals. He becomes quite focused on the words of a comment, to the exclusion of focusing on the actual meaning of the phrase. Although he demonstrated the capacity to use humor within the interviews, he could not interpret light comments or attempt at teasing within the interviews and needed to have an explanation to clarify the meaning of such interactions. When asked about the basis of his belief system he attempted to provide excessive supporting evidence. When challenged on the initial premise, he appeared perplexed and it was evident that he did not challenge the belief system on his own regardless of existing evidence.

An interesting behavior within the extended interviews, possibly related to his intelligence and familiarity with the mental health evaluation process since he has seen so many evaluators, was his effort to attempt to guess the correct response to a question by utilizing information from previous declarations and reports. When questioned, he attempted to answer in the direction opposite to what had been stated in the previous evaluation. If questioned about this, however, he became anxious that his initial plan was in error and that the interpretation in the previous report was actually not accurate. He would then become very concerned and confront the examiner as to why, with the assumption that the examiner was taking his response to be an affirmative for a pathological symptom instead of the

absence of such. This behavior did raise some question about the honesty of his self-report in response to questions about specific symptoms of mental illness.

It does appear that Mr. Kaczynski's investment and convictions about the outcome of modern technology and the alleged abuse by his family are consistent with fixed belief in that he does not challenge them in response to new information. Both of these systems could be viewed as meeting the criteria of nonbizarre delusional beliefs. The certainty of this, however, is clouded by he duration of these beliefs and the adaptation he has made by extreme social isolation.

Mr. Kaczynski adamantly denies any experiences of thought insertion, thought broadcasting, mind control, or command hallucinations. He does describe a variety of fantasies and nightmares, and it is unclear through this evaluation, whether his report of those as occurring only while he is sleeping is accurate. Some of his writings discuss his ability to use his will to control the outcome of these experiences, and raises the question as to whether these are actually hallucinatory experiences rather than dreams and fantasies as he labels them.

Mr. Kaczynski's judgement is viewed as being poor, both from the basis of review of collateral information and observations within the interviews. He was unable to modify the presentation of his responses within the interviews to present information in a less negative light.

Evident throughout the interviews was marked ambivalence and this was apparent throughout his writings. He clearly exhibited the capacity to hold opposite and conflicting feelings toward the same person or issue, and showed no insight into this. He frequently expressed both hatred and a wish for revenge and love and affection for the same individual. He did show the capacity for sadness in interviews and would frequently tear up when remembering fleeting relationships he had with individuals. In that regard, it was noted that he tends to form very rapid intense emotional attachments to individuals, primarily women, but also men. (REDACTED). Historically, he has developed love relationships that were never reciprocated with individuals and maintained them for extended periods of time, idealizing them and at time devaluing them. An example is a relationship he wished he had developed with (REDACTED) when he was a young student at Harvard. He was able to identify that even at the age of 43, he had tracked her down and written her regarding the details of that relationship, which had never actually developed. He expressed regret that he had not heard back tram her. He also demonstrated a propensity to focus on passing comments in regard to his self-image and to utilize those comments and incorporate them in an unusual way into his thought processes. An example is referencing a comment made by an older Italian woman when he was 15, that he was beautiful boy, especially his eyes. It was not until 1994 at the age of 50, that he further explored this issue and asked another woman, whom he did not know well, whether he was physically attractive. He indicated she responded he was "run of the mill" and at that point in time he no longer wondered why he had never developed a successful relationship with a woman. As described, he had grappled with that issue for more than 30 years because he had been told he was physically attractive at the age of

15 and he held onto that belief; so he could never understand why women were not attracted. Having now been told by another female in 1994 that he was simply average in looks, it immediately provided him with an explanation for why he had never established a relationship with a woman.

No. Kaczynski was able to demonstrate a very detailed capacity to handle information, but showed little insight into the nature of his difficulties or the ways to approach current problem solving. Although when asked whether he could consider a variety of options, he would reply "yes," he would persist in demonstrating why he would not choose to do so, even if the explanation presented was inconsistent with available information.

Mr. Kaczynski is a prolific writer. There is much repetition in his writings, which he does not appear fully able to appreciate. He currently exhibits a preoccupation with a need to negatively portray his family, and has in the midst of trial preparations, spent over four months writing an angry accusatory manuscript to "set the record straight." This consists of a rehashing of all the perceived injustices and a detailed focus on descriptions of events and conversations. Again, throughout this document, his ambivalence is evident. He openly describes his propensity towards anger and the satisfaction he feels from an act of revenge. He describes periods of stress in his life that seen related with him focusing on projects such as writing the Refutation, developing a new experiment, or dealing with a perceived slight or humiliation. Coupled with this, he has had numerous periods of dysthymia and insomnia. He has demonstrated no change in his appetite and no significant gain or loss of weight. His current sleep cycle appears adequate.

Review of the issue of competency to stand trial began with a review of the events that led up to this evaluation. An initial meeting was held with all of the attorneys involved in this case to review the status of the proceedings thus far. Subsequently both the prosecuting and defense attorneys were interviewed separately to obtain their observations of the defendant and his abilities to follow courtroom proceedings and assist in his own defense. Through a supplemental Court Order, the examiner had the opportunity to review letters (12/18/97 and 01/05/98) and en camera proceedings regarding hearings that had occurred on 11/21/97 (referenced by the defendant as 11/25/97). Transcripts regarding en camera hearing on 12/18/97, 12/19/97, 12/22/97, 12/25/97, 01/05/98, and 01/07/98 were reviewed as well as the public transcripts for 11/21/97, 01/05/98 and 01/07/98.

Mr. Kaczynski was arrested on 04/03/96 and initially was in custody at a county jail in Montana. At that time he was represented by Michael Donahoe of the Federal Defenders' Office. Mr. Kaczynski describes forming a quick and close relationship with Mr. Donahoe (REDACTED). He identifies that throughout the several months he was held in Montana, he received a variety of letters through his attorney from private attorneys indicating an interest in representing him. He reports that Mr. Donahoe sorted through these letters and brought him a letter from Tony Serra to his attention, as one he might look as seriously. After reviewing the letter, Mr. Kaczynski determined that he would continue to utilize Mr. Donahoe. He believed that Donahoe would continue with his case even after he was

moved to Sacramento. As the time approached for that move, Mr. Donahoe told him that he would not be continuing with his case. This precipitated an angry response from Mr. Kaczynski, although he claims that he was able to modify that the next day.

Upon arrival in Sacramento, Mr. Kaczynski was assigned to the team of Federal Defenders currently working on his case. He describes developing a close personal relationship with his defense team including the investigators and paralegals. He describes them as taking the place of his family. He indicates that his friendship with his attorneys has been excellent, but he has serious conflicts with them about his case. He is able to name the members of his defense team and identify them by sight. He indicates that someone from the team visits him once every few days and someone from the office sees him daily except weekends. Members of the team take messages to and from him.

Mr. Kaczynski indicates that early on he identified that he did not want to use a mental health defense in his case. He describes that nonetheless the question of psychiatric evaluation arose early in his period of detention. He did not like the idea of talking to a psychiatrist because he believes that "science has no business probing the workings of the human mind." Early on, he reluctantly agreed to some psychiatric and psychological evaluation by defense experts because he believed by taking neuropsychological tests he could prove that he was not mentally ill. He also indicates his belief that information obtained from those evaluations would remain an attorney/client work product and would not be released.

He believes that the question of competency to stand trial in his case arose because of his suicide attempt and because he expressed the conflicts he is having with his attorneys. His recent upset stemmed from his belief that he had been deceived by his attorneys in that declarations from their experts had been made available to the prosecution and information from those declarations came out in a hearing in November 1997. Observations by the prosecution and defense attorneys indicate that at the time Mr. Kaczynski became aware of this, he became agitated in the courtroom and threw a pen across the table. He subsequently addressed a letter to Judge Burrell expressing his wish for legal advice from an outside source to help him resolve conflicts with his attorneys. He also expressed his wish for his attorneys to be prevented from using a 12.2(b) defense and to have Mr. Soward removed from his defense team. He admitted that he had originally given his consent for a 12.2(b) defense but expressed his wish to withdraw that consent. He proposed that he might represent himself, with stand by counsel, or that a new attorney could be appointed to replace his present team. He further discussed why he could not endure the use of a 12.2(b) defense, indicating that because of the impact the frequent psychological abuse by his parents and schoolmates had created on him, he was now feeling subjected to a similar situation where he was subject to something he perceived as an injustice and was feeling helpless to defend against it or escape from it. He claimed that his attorneys were subjecting him to the same type of punishment that his parents had.

Mr. Kaczynski waited several weeks before submitting his letters (three) to Judge Burrell and indicates he did so in order to await completion of negotiations between the prosecution and defense, which could have

resulted in the lack of necessity for a trial. He submitted the letters after the negotiations fell through. In these letters he also expressed his belief that his attorneys had originally promised to help him pursue "certain personal concerns of my own, even if these were inconsistent with my attorneys' professional concerns to do what is in my best interest in a legal sense. In particular I was led to believe that I would not be portrayed as mentally ill without my consent." Through the use of a conflict resolution attorney, Mr. Clymos, these issues appeared to be resolved in the eyes of the attorneys and the Court. On 01/05/98, at the beginning of the first day of the trial, Mr. Kaczynski provided information to Judge Burrell indicating that he needed to talk to him about a serious matter. He stated, "Your Honor before these proceedings begin, I would like to revisit the issue of my relations with my attorneys. It's very important, I haven't stood up because I'm under orders from the Marshals not to stand up." An ex parte and en camera discussion was held, wherein Mr. Kaczynski was able to identify that he did not want what followed in the discussion to constitute a waiver of any part of his attorney/client privilege. He provided the judge with his written account of his history of his relationship with attorney Tony Serra. He indicated his perception that again his attorneys had been less than honest with him. He referenced the earlier dispute with his attorneys which he claimed arose from the fact they had deceived him, and asked the Court to contact Mr. Serra to determine whether he was willing to represent him. Mr. Kaczynski presented the position that if his information was not accurate, he would apologize to his attorneys, but if it was correct then the conclusion would be inescapable that his attorneys have continued to deal with him in an underhanded fashion and in that case he could not cooperate with them because he could not rely on the truth of what they told him.

Mr. Kaczynski accused his attorneys of deliberately deceiving him in order to sabotage his attempts to consider a change of counsel. He went on to claim that that issue was not the only problem creating conflict. He expressed his concern that although the 12.2 (b) defense had been withdrawn, his attorneys still intended to resent evidence of mental illness through the use of lay witnesses at the guilt/innocence phase of the trial. He claimed that one of the sources of conflict between him and his attorneys was the fact that their values and attitudes were contrary to his and that he was under the impression that Mr. Serra's attitudes and values would be much more similar to his own. The Court then determined to appoint Mr. Kevin Clymos to represent Mr. Kaczynski's interest on the issue. Mr. Kaczynski indicated that his wish was to change counsel but then indicated that he was not sure he would want Mr. Serra as a replacement because he had not yet had the opportunity to speak to him. He continued that the root of his problem was that his attorney (Ms. Clarke) thought he was crazy and that is why she was insistent on representing him as crazy. The Court indicated that they would put Mr. Kaczynski's statement in the record and he objected, saying that his statement was conjecture and highly speculative. After speaking with Mr. Clymos, Mr. Kaczynski indicated that (REDACTED).

In the 01/07/98 hearing, continued discussion took place and Mr. Kaczynski indicated that he was willing to permit his attorneys to go ahead with the mental health defense in the sentencing phase because that was the best agreement he could get and he did not want to break up the

defense team. He was going to defend himself with what was essentially "a symbolic victory" by eliminating the mental health defense in the guilt/innocence phase of the trial. During extended discussion at that hearing Mr. Kaczynski first indicated his intent to proceed with present counsel, even though he disagreed with the defense in the guilt/penalty phase. At the end of the hearing he expressed his wish to consult with Mr. Serra about representation.

On 01/08/98 Defense Attorney Clarke addressed the Court indicating that Mr. Kaczynski was making a request that he be permitted to proceed in the case as his own counsel. He expressed that it was a difficult decision but believed he had no choice but to go forward as his own attorney. Ms. Clarke indicated this was a very "heart felt reaction to the presentation of the mental illness defense, a situation which he simply cannot endure, so it is requested the Court permit him to proceed on his own behalf." Mr. Kaczynski did not request a delay in the trial and indicated that he would go forward on his own behalf as soon as the jury was sworn. After extended discussion regarding several issues of law, the Court determined that a competency evaluation should be conducted to assist in determining Mr. Kaczynski's competency to stand trial and represent himself. The defense indicated their position that he not only was wishing to refuse to allow them to present a mental illness defense at the penalty phase of the trial, but it was their impression that he could not bear for them to present that defense. Mr. Kaczynski voiced his opinion that he objected to having a competency evaluation because it was his position that he was competent. The Court subsequently indicated that it would proceed with ordering the evaluation and did.

Limited observations were available concerning Mr. Kaczynski's behavior in court, in that he waived his presence at most court hearings prior to jury selection. Prosecution observations during jury selection were that he was attentive and interacted with his attorneys. Defense attorneys did not raise the question of competency during the jury selection process. They were on record with their opinion that they had been able to accommodate Mr. Kaczynski's mental disorder and viewed him as competent to stand trial.

In discussion with Mr. Kaczynski about the issue of jury selection, he expressed a clear understanding of the selection process and indicated that he had provided his comments and review to his appointed counsel. He expressed his understanding of how the jury in his case had been selected and was able to discuss the pros and cons of the jury process in resolution of a legal proceeding. He expressed his preference to have a trial by jury even a situation where he would have the option to be tried by the judge. He also expressed his understanding that in a trial involving a potential death penalty, that the trial would have to proceed with a jury.

In specific discussion with Mr. Kaczynski around the issue of competency to stand trial, he was able to clearly articulate the problems in his relationship with defense attorneys in regard to choosing a defense in his case. He expressed an understanding why psychiatric issues, including a psychiatric evaluation, might arise in his case, by again noting his history of psychological verbal abuse beginning in adolescence that had continued as an issue for decades. He indicated that his mother and brother, in their interviews with the media, had portrayed him as mentally

ill in an effort to cover up the history of abuse in his family. He believed that his attorneys portraying him as mentally ill would indicate they were helping his brother, an individual against whom he was experiencing considerable anger. He also indicated that his attorneys had used deception to get him to see the psychiatrist and psychologist defense experts. He indicated his own goal of refuting the image the family had portrayed of him since his arrest.

Mr. Kaczynski further indicated that he was aware of these potential conflicts with his attorneys much earlier but had focused with the defense team on the motion to suppress evidence during the first several months of 1997, knowing that should that be successful, the issue of mental illness would not need to be pursued. At present he indicates that he was not claiming that he was free of any psychiatric disorder and he would not object to the issue of a psychiatric disorder being raised; what he was concerned about was that the information would not be portrayed accurately and some of the facts that had been presented in declarations were already incorrect. He felt his statements had been taken out of context to make him sound paranoid. It was also his belief that his attorneys, in their wish to win the case and try for minimum penalty, were adamant about presenting a mental illness defense. He indicated his own goals were to also receive the least penalty possible and to be acquitted if possible, but he could only pursue this goal through something like a mental illness defense if he had an 80% chance of succeeding and being released. He indicated if that was the case, he would concede to a mental illness defense but it would be by his choice. He did not view himself as having an 80% chance of success. At present he felt his attorneys were forcing that defense upon him. He expressed a clear understanding of the 12.2(b) defense as not being an insanity defense and clearly articulated an understanding of the statute as allowing use of information regarding mental disease and defect bearing on the issue or guilt.

Mr. Kaczynski was able to explain a clear understanding of the insanity defense and was aware that his attorneys would require his permission to give notice of that defense. He claimed an ability to consider the use of the insanity defense, qualifying it by stating he would only consider that if he had a reasonable belief that in a short period of time (five years) he could be released. It was his impression, however, that if found to be insane he would spend his life in a prison hospital facility, an outcome he was unwilling to accept. He expressed a preference for death over life in prison, but at the same time denied having an interest in being put to death.

Mr. Kaczynski is also aware that his attorneys are capable and are perceived by the judge and prosecution as being such. He regretted his initial statement to the judge that he would not represent himself and felt that post his unsuccessful suicide attempt and a period of time to rethink the issue, he now had the energy to commit to attempting to represent himself adequately. He had no doubt that his skills would fall short of those of his present attorneys, but expressed his firm belief that although he could elect to use a mental illness defense, he was choosing not to do so. He realized his chance at success of being acquitted were slim, but felt that he could vindicate himself by saying he was not crazy in court. In that way, he felt he would only have one strike against him instead of two. He

was able to compare the impact of having the prosecution present him as mean and dangerous versus the presentation by the defense of him being mentally ill and less than capable. He believed that the jury would somewhat discount the prosecution's presentation, as it was to be expected, but the mental illness presentation was potentially far more damaging to him personally.

During extended discussions, Mr. Kaczynski did indicate his belief that his attorneys were conventional and "part of the system." He imagined that Mr. Serra, who had been portrayed as much more of a rebel probably had views that were more against the system and had more in common with him. (REDACTED) he persisted throughout the evaluation period in expressing interest in exploring representation by Mr. Serra as a possibility. At the same time he realized that it was late in the trial process to change attorneys, and that the Court was not willing to appoint new counsel at this time. It was his perception that it would take Mr. Serra numerous months to prepare for trial. He also expressed his wish to resolve his legal situation in a prompt manner. He viewed his choices as self-representation or continuing with his current attorneys. He indicated he could not do the latter if they were able to proceed with a 12.2(b) defense over his objection.

Mr. Kaczynski was able to outline other conflicts he had with his attorneys, including the issue of publicity. He had been interested in writing letters to counter the image being presented by his family of him in the media. He discussed this with his attorneys and although he felt some pressure to conform, he had agreed with them not to write letters to the media and draw additional public attention to him at this point in the trial process. Nonetheless he spent approximately four months preparing a rebuttal to all he perceived as inaccurate in the public portrayal of him, and focused extensively on portraying his brother David in a negative light in these writings. He denied any intent on his part to attempt to delay the trial by making a suicide attempt. He described his perception that a successful attempt at the time he tried (the evening before trial) would have "made a statement," but that the opportunity for that was passed, in that he would now be too closely watched. He expressed his own opinion that he was competent to stand trial and his wish to be found as such, although he considered that, if found incompetent, the four month restoration period would potentially allow time for Mr. Serra to prepare a defense. He was able to consider the two schools of thought about legal representation, which included representing the client's best interest versus representing the client's expressed interest. It was his belief that representation should support the client's expressed interest.

Discussion with Mr. Kaczynski about his case revealed that he has an accurate understanding of the charges against him and the possible penalties if convicted. He explained the role of various participants in the legal process in some detail. This included the role of the judge, jury, prosecutor, and defense attorney. He expressed a full understanding of the plea bargaining process. He reviewed his own capabilities for self-representation and indicated that he had debated one of his attorneys in a hearing situation and felt he had bested him. He also claimed he had some teaching experience to fall back on in addressing the jury. He admitted his own perception that he would not do as well handling things

extemporaneously as he could if he had time to prepare his responses. He expressed an understanding of the evidence available in his case. After much consideration he was able to respond to the question of what image he wished to present of himself during the trial. Initially he had only been able to protest against the image to be portrayed by the defense attorneys. It took him some time to be able to determine that he wanted to present himself as rational; a person having a valid point to make; a decent person who felt cornered; as socially vulnerable; in some ways a victim personally and via v the system; an individual who had his back against the wall; a person who lived a beautiful way of life in the woods and a person whose psychiatric disorder could serve as a mitigating factor. When questioned as to how this image differed from that potentially planned to be presented by the defense attorneys, he was unable to articulate a difference, but focused on his concern that his attorneys would not accurately present the facts. In essence, he wanted to present his slant on the factual information. This appeared consistent with his voluminous writing, wherein he attempts to dispute the descriptions and "facts" of the information provided by the media and his family. He was able to understand that his plan in presenting the image outlined above would require use of the 12.2(b) defense at least at the penalty phase, if that was reached.

Mr. Kaczynski expressed an awareness of the order of presentation in a trial such as his. He understood that he would have to listen through the prosecution's presentation of details of the alleged offenses, and expressed his opinion that he could tolerate that, although it might anger him. He had an understanding of the burden of proof and that he could choose to testify. He indicated he would prefer not to testify and denied any interest in using the courtroom to espouse his views. He was able to articulate that although his chances of acquittal were slim, he still wished to attempt acquittal. He recognized that although he could avoid any portrayal of him as mentally ill or chance of denigration of his life style by equating it with mental illness, by pleading guilty and not going to trial, he recognized that a trial was necessary to proceed with an appeal on the suppression issue. The latter still offered a glimmer of hope, which he intended to pursue.

REVIEW OF PSYCHOLOGICAL TESTING: Limited testing was available from Harvard, where Mr. Kaczynski had been involved in the Murray Study. The opportunity existed to review the Minnesota Multiphasic Personality Inventory profile. It was noted that the Si scale (introversion) had not been scored. Because a copy of the original answer sheet was provided, the scale could be scored. Significant in the profile was marked elevation on the introversion scale and a lesser elevation on the depression scale.

Mr. Kaczynski completed four psychological tests during the week of this evaluation, including the Minnesota Multiphasic Personality Inventory-2 and Millon Clinical Multiaxial Inventory-2 on 01/12/98, Beck Depression Inventory and the Draw a Person Picking an Apple From a Tree Test on 01/15/98.

On the MMPI-2 he presents a profile that is probably valid. He acknowledged more unusual experiences and perceptions than do most individuals, but not to a degree to suggest exaggeration or falsification.

Instead, he appeared to approach the test items in an honest and straightforward manner, which included open admission of some strange thoughts, odd perceptions, and feelings of isolation and alienation. His validity profile is consistent with individuals who have psychotic disorders that are mainly in remission at the time of test administration. Overall, the profile should be an accurate reflection of his personality characteristics.

People who respond in similar ways on the clinical scale 0 (elevated in his profile with score of 74) are often described as introverted, shy, and socially insecure. They are uncomfortable with others and may avoid people, even at times when they could be helpful to him. They are likely to dislike and avoid social activities, and will actively keep others at a distance. They are described by others as cold and distant, and are unlikely to express their feelings directly. Despite their avoidance of others, they are very sensitive to what people think of them and may be troubled by the lack of relationships. Such people tend to worry and feel anxious, possibly with episodes of depression. They tend to have rigid and inflexible attitudes, becoming irritable when questioned or confronted.

People with the 4-6 two point code pattern (as evident in Mr. Kaczynski's profile with Scale 4=69, Scale 6=68) are described as viewing the world as threatening and feeling misunderstood or mistreated by others. Such people can be hostile, irritable, and demanding. They are commonly very self-centered and are not concerned about the rights of others. Indeed, they are often resentful of the success of other people and suspicious of their motives. In addition, these people can be impulsive and manipulative, frequently getting into conflict with family and authorities. They often have unstable family lives, personal relationships, poor work and educational histories, and legal problems. This profile is associated with stable characteristics and such people are very resistant to treatment interventions. They often deny that they have problems and are evasive about discussing them, sometimes refusing to talk about personal shortcomings at all. They avoid close relationships and have trouble getting along with those people with whom they do come in contact, including family members. Such people have vague goals and are indecisive about many aspects of their lives.

Similar to the MMPI-2, Mr. Kaczynski's responses to the Millon Clinical Multiaxial Inventory, Second Edition might be described as forthright and self-revealing. His pattern of item endorsement does not suggest overt attempts to exaggerate nor minimize psychological problems, and to the contrary appears to reflect a balance between self-protective and potentially self-effacing responses. The resulting clinical scale profile is viewed as a useful indication of his current personality functioning.

Modest elevations are present on clinical scales: Schizoid (l)=73; Avoidant (2)=71; Sadistic Aggressive (6B)=78. Persons with similar test results typically exhibit difficulties primarily characterized by hostile alienation. These persons often espouse overt disregard for or anger at significant others and other people in general. They may avow few or no attachments to others and deny experiences of either positive sentiments or feelings of guilt or shame. They relate to others primarily through threats or hostile posturing or overt aggression, but may prefer outright

avoidance of social contacts. They are often seen as dogmatic and unyielding, and may espouse unusual social, political or religious ideas. They often view others as devalued and unimportant and may act in ways that others see as cold, unfeeling, or callous. Formal disorder in the flow and form of thought is not generally associated with this pattern of results, and marked sensory disturbances are not typically noted.

1 | 3